

1 EDMUND G. BROWN JR.  
Attorney General of the State of California  
2 DAVID S. CHANEY  
Chief Assistant Attorney General  
3 FRANCES T. GRUNDER  
Senior Assistant Attorney General  
4 RENE L. LUCARIC  
Supervising Deputy Attorney General  
5 MICHELLE DES JARDINS, State Bar No. 168079  
Supervising Deputy Attorney General  
6 110 West A Street, Suite 1100  
San Diego, CA 92101  
7 P.O. Box 85266  
San Diego, CA 92186-5266  
8 Telephone: (619) 645-2295  
Fax: (619) 645-2581  
9 Email: Michelle.DesJardins@doj.ca.gov

10 Attorneys for Defendant Edmund G. Brown Jr.

11  
12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
14

15 **NATHAN KEVIN TURNER,**

16 Plaintiff,

17 v.

18 **B. DUMANTS, et al.,**

19 Defendant.

Case No. 08CV0360 W (RBB)

**DEFENDANT BROWN'S NOTICE  
OF MOTION AND MOTION TO  
DISMISS COMPLAINT**

Hearing: June 23, 2008

Time: 10:00 a.m.

Judge: Hon. Ruben B. Brooks

(Oral Argument Not Requested)

20  
21 Please take notice that on June 23, 2008, at 10:00 a.m., before the Honorable Magistrate  
22 Judge Ruben B. Brooks, Attorney General Edmund G. Brown Jr. will move to dismiss the Complaint  
23 against him. Oral argument is not requested because Plaintiff is an inmate proceeding in pro se. The  
24 grounds for the motion are that Attorney General Brown had no involvement in Plaintiff's criminal  
25 prosecution or the handling of his DNA evidence; Plaintiff's claims are barred by the statute of  
26 limitations; Plaintiff's claims are barred under the favorable termination doctrine set forth in *Heck*  
27 v. *Humphrey*, 512 U.S. 477 (1994), and Plaintiff's claims are barred by collateral estoppel.

28 ///

1 This motion will be based on the Notice of Motion and Motion, the Memorandum of Points  
2 and Authorities, and the Court's own files.

3 Dated: May 20, 2008

4 Respectfully submitted,

5 EDMUND G. BROWN JR.  
Attorney General of the State of California

6 DAVID S. CHANEY  
Chief Assistant Attorney General

7 FRANCES T. GRUNDER  
Senior Assistant Attorney General

8 RENE L. LUCARIC  
Supervising Deputy Attorney General

9  
10 /S/ Michelle Des Jardins

11 MICHELLE DES JARDINS  
12 Supervising Deputy Attorney General  
Attorneys for Defendant Edmund G. Brown Jr.

13  
14 70124518.wpd  
15 SD2008700403  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Turner, Nathan Kevin v. B. Dumanis, et al.**

Case No.: **08CV0360 W (RBB)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266.

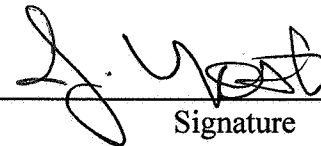
On May 20, 2008, I served the attached **DEFENDANT BROWN'S NOTICE OF MOTION AND MOTION TO DISMISS COMPLAINT** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Diego, California, addressed as follows:

Nathan Kevin Turner  
CDC # C-44886  
California Medical Facility  
P.O. Box 2000  
Vacaville, CA 95696-2000  
In Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 20, 2008, at San Diego, California.

J. Yost

Declarant



Signature

70124541.wpd